

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOAQUIN ROMERO ROSAS

CRIMINAL COMPLAINT

Case Number:

MS-11-191 JJG

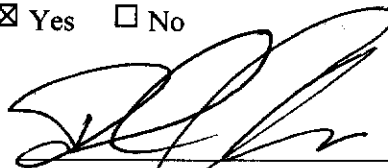
I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 8, 2011, in Hennepin County, in the State and District of Minnesota, defendant, who is illegally and unlawfully in the United States, knowingly and intentionally possessed a semi-automatic pistol, specifically a Cobra .380, bearing serial number CP057708, which traveled in and affected interstate commerce

in violation of Title 18, United States Code, Section(s) 922(g)(5)(A).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Dale Ouse

Homeland Security Investigations

Sworn to before me, and subscribed in my presence,

5/9/11

at

St. Paul, MN

City and State

Date

The Honorable Jeanne J. Graham
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

SCANNED

MAY 10 2011

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF DALE W. OUSE
COUNTY OF HENNEPIN)

I, Dale W. Ouse, being duly sworn under oath, depose and state as follows:

1. I am a Special Agent with United States Homeland Security Investigations (HSI) and have been so employed since July of 2009. In this capacity, I am responsible for the enforcement of the laws of the United States of America, including laws relating to firearms and immigration. During my law enforcement career I have conducted numerous investigations into the unlawful possession of firearms by prohibited people along with immigration law violations. In addition to this, I was previously employed by the United States Federal Air Marshal Service as a Federal Air Marshal from July 2002 to July 2009. From April 2001 to July 2002, I was employed as a United States Border Patrol Agent in Douglas, AZ. Also, from April 1996 to April 2001, I was a licensed police officer in the city of Grand Forks, ND. I also hold a bachelor's degree in criminal justice from Moorhead State University.

2. This affidavit is submitted in support of a complaint against Joaquin ROMERO ROSAS (hereinafter "ROMERO ROSAS") charging him with Unlawful Possession of a Firearm by an Illegal Alien, in violation of 18 U.S.C. 922(g)(5)(A).

3. Joaquin ROMERO ROSAS is a citizen of Mexico. He is not a citizen, permanent resident, or national of the United States.

4. ROMERO ROSAS was previously apprehended on February 2, 2009 for being in the United States without inspection or permission. A Notice to Appear (I-862) was issued to him on that same date and ROMERO ROSAS was entered into removal proceedings. The Immigration Judge has continued the case and it is still pending. The

next court date is December 12, 2011. Records further indicate ROMERO ROSAS is a documented gang member, associated with the "Southside Parkeros Surenos" criminal street gang.

5. On May 8, 2011, law enforcement authorities were working a Gang Enforcement detail at the Cinco de Mayo festival located on Lake Street in Minneapolis, MN. The goal of the detail was to reduce gang violence from the years in the past. A reliable confidential informant indicated a Sureno gang member called "Porky" would be carrying a firearm at the festival and that he would be traveling in a vehicle bearing Minnesota license tag MWA 706. A Minneapolis Police Department gang database indicated "Porky" is identified as Joaquin ROMERO ROSAS. Working through the MN Department of Vehicle Services database, law enforcement was able to identify this tag as belonging to a green Pontiac Grand Am. Armed with this information, law enforcement located and conducted a traffic stop on the vehicle bearing Minnesota tag MWA706 in the 3300 block of 4th Avenue South in Minneapolis, MN.

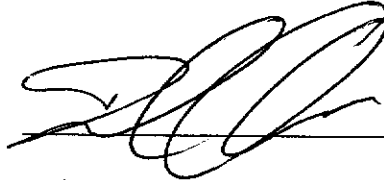
6. Officers conducted the stop based on a traffic violation and erratic driving behavior. ROMERO ROSAS was the driver of the vehicle. There were two passengers inside the car. Using probable cause developed before the stop, the vehicle was searched and a loaded Cobra .380 semi-automatic pistol was recovered from behind the car stereo in the dash

7. A clear plastic bag containing a personal use amount of marijuana was also discovered in the car.

8. ROMERO ROSAS made a spontaneous utterance that the recovered firearm belonged to him.

9. Under the scope of Miranda, ROMERO ROSAS gave a statement in which he admitted the firearm and narcotics were his.

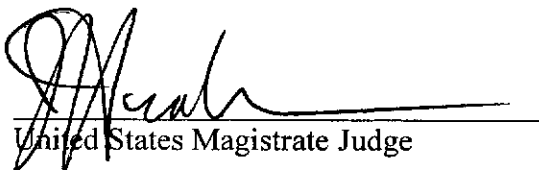
10. On May 09, 2011, HSI SA Dale Ouse called Cobra Firearms at 801-908-8300 to determine if the Cobra .380, serial number CP057708, had been manufactured in the State of Minnesota. SA Ouse was informed Cobra Firearms does not currently and has never had a manufacturing plant in the state of Minnesota. All Cobra firearms are manufactured in Salt Lake City, Utah. SA Ouse determined that the firearm seized from ROMERO ROSAS was manufactured outside the State of Minnesota and had therefore traveled in interstate commerce to have been found in Minnesota on May 8, 2011.



Dale W. Ouse, Special Agent
Homeland Security Investigations

Subscribed and Sworn to Before Me

This 9th Day of May, 2011


United States Magistrate Judge